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**THE HONORABLE MARY JO HESTON
CHAPTER 13**

HEARING DATE: August 6, 2019

HEARING TIME: 1:00 P.M.

LOCATION: Vancouver, Washington

RESPONSE DATE: July 30, 2019

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**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

MATTHEW ADDISON LEEPER,

Debtor.

Case No.: 19-41937-MJH

OBJECTION TO CONFIRMATION WITH
STRICT COMPLIANCE

COMES NOW, Michael G. Malaier, Chapter 13 Standing Trustee, and objects to
confirmation as follows:

BACKGROUND

Debtor filed this Chapter 13 case on June 12, 2019. The applicable commitment period is
thirty-six months. The case is currently in the second month and the Meeting of Creditors has
not yet been completed. The bar date for filing non-governmental claims is August 21, 2019.
Scheduled unsecured claims total \$57,635.00, and scheduled priority claims total \$3,545.00. The
Trustee estimates that under the proposed plan general unsecured creditors will receive
approximately \$0.00.

OBJECTION TO CONFIRMATION

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600

OBJECTION

☐ Plan is not feasible:

☒ Plan is not proposed in good faith or is forbidden by law:

Debtor has not filed all required tax returns. Prior to confirmation a debtor must have "filed all applicable Federal, State, and local tax returns as required by section 1308." 11 U.S.C. § 1325(a)(9). Under section 1308(a), the debtor must file all applicable tax returns for the 4-year period ending on the date of the filing of the petition. Debtor testified at the 341 Meeting of Creditors on July 16, 2019, that he had not yet filed the 2018 tax return with the Internal Revenue Service. Confirmation should be denied until such time as the returns are filed.

☐ Plan fails to commit all excess disposable income for the applicable commitment period as required by 11 U.S.C. § 1325(b)(1)(B):

☐ Plan does not meet the best interests of creditors test as required by 11 U.S.C. § 1325(a)(4):

☐ Schedules or other documentation insufficient:

☐ Other:

WHEREFORE, Trustee requests that the objection to confirmation be sustained and debtor be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

DATED this 23rd day of July, 2019.

/s/ Matthew J.P. Johnson

Matthew J.P. Johnson, WSBA# 40476 for
Michael G. Malaier, Chapter 13 Trustee

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600

OBJECTION TO CONFIRMATION

1 **CERTIFICATE OF MAILING**

2 I certify under penalty of perjury under the laws of the United States that on July 23, 2019, I
3 caused to be mailed via regular mail a true and correct copy of the Trustee's Objection to Confirmation to
4 the following:

5 Matthew Addison Leeper
6 6610 NW Whitney Rd, Space 62
7 Vancouver WA 98665

8 The following parties received Trustee's Objection to Confirmation via ECF:

9 Todd Trierweiler
10 U.S. Trustee

11 Executed at Tacoma, Washington this 23rd day of July, 2019.

12 /s/ Ruth Wilson
13 Motion Coordinator for
14 Michael G. Malaier, Chapter 13 Trustee